

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

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OFFICE OF THE SECRETARY

In Re: )  
 )  
The Impact of Advanced )  
Television Technologies in )  
Local Television Broadcasting )

RM-5811

To: The Commission

**COMMENTS  
OF  
THE AMERICAN PETROLEUM INSTITUTE  
ON THE PETITION FOR NOTICE OF INQUIRY**

The American Petroleum Institute (sometimes hereinafter referred to as "API"), pursuant to the provisions of Section 1.405(a) of the Rules and Regulations of the Federal Communications Commission ("Commission") and the invitation extended by the Commission by its Public Notice of March 27, 1987,<sup>1/</sup> by its attorneys, hereby respectfully submits these Comments in response to the Petition for Notice of Inquiry ("Petition for NOI") filed by the Association of Maximum Service Telecasters, Inc. ("MST"), National Association of Broadcasters ("NAB") and other broadcast companies and trade associations ("Petitioners") that asks the Commission to study the issues arising from the introduction of high

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<sup>1/</sup> Public Notice Report No. 1650, Comments on Petition for Special Relief and FCC Staff Documents, released March 27, 1987.

definition television (HDTV) and other advanced television technology.

# I. PRELIMINARY STATEMENT

1. The API is a national trade association with offices at 1220 L Street, N.W., Washington, D. C. 20005 representing approximately 200 companies and more than 5,000 individual members. API's membership is representative of all sectors of the petroleum industry which are engaged in the exploration, production, refining, marketing, and transportation of petroleum, petroleum products, and natural gas. Among its many activities, API acts on behalf of its members as a spokesman before federal and state regulatory agencies and legislative bodies. The API's Telecommunications Committee evaluates and develops responses to state and federal proposals affecting telecommunications facilities in the oil and gas industries. The Telecommunications Committee is one of the standing committees of the API General Committee on Transportation. It is API's primary committee concerned with telecommunications regulatory matters and is supported and sustained by licensees that are authorized by the Commission to operate two-way land mobile radio communications facilities in the Petroleum Radio Service and other categories of the Private Land Mobile Radio Services (PLMRS).

2. In June 1985, the Commission released a Notice of Proposed Rule Making ("NPRM") that looked toward permitting additional sharing of the UHF television band by the PLMRS. On February 13, 1987, Petitioners filed a Petition for Special Relief asking the Commission to defer any action in the UHF-sharing proceeding pending the Commission's consideration of the Petition for NOI.<sup>2/</sup>

3. The Commission's proposal regarding additional sharing of the UHF television band by PLMRS licensees, if adopted, would have a direct impact upon API members. Members of the oil and natural gas industries extensively employ presently shared UHF-TV spectrum in support of exploration and production activities, refining, and the transportation by pipeline of petroleum and petroleum products. Among other locations, use of land mobile spectrum by API members is particularly intense in Los Angeles, Houston, and Dallas, where the Commission has proposed to permit additional UHF-TV/land mobile sharing.

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<sup>2/</sup> API has also submitted Comments responsive to the Petition for Special Relief; therefore, these Comments will address only the issues raised in the Petition for Notice of Inquiry.

4. The API has been an active participant in virtually every Commission proceeding involving the Petroleum Radio Service in particular and the PLMRS in general. It submitted Comments in the Docket No. 85-172 proceeding urging the Commission to proceed with the proposed sharing arrangements. While API does not oppose the investigation of HDTV technology, it does not believe that such an inquiry should serve as a pretense to delay action in the Docket No. 85-172 proceeding. Nevertheless, Petitioners contend that these two matters are inextricably related. Accordingly, and in light of the direct impact that the pending Docket No. 85-172 rule making will have upon its members, the API is pleased to have this opportunity to submit the following Comments.

## II. COMMENTS

5. The API does not oppose Petitioners' request that the Commission initiate a Notice of Inquiry into the issues arising from the potential introduction of HDTV and other advanced television technologies and the possible impact of such new technologies on local broadcast service. However, such a proceeding, if initiated by the Commission, should not delay consideration and adoption of the Docket No. 85-172 Report and Order. An inquiry into HDTV and the effects that HDTV systems will have on local broadcast service may be in

the public interest. However, so is the satisfaction of PLMRS users' spectrum requirements. Private land mobile radio licensees provide critical communications capabilities that are essential to the well-being of our nation. These licensees, ranging from police and fire departments to small businesses and gas and utility companies, rely on private land mobile radio to perform a variety of invaluable services. Moreover, it has repeatedly been demonstrated that the PLMRS has a great need for additional spectrum. Thus, an immediate resolution of the UHF reallocation question is warranted.

6. The Commission has ample documentation regarding the PLMRS' need for additional spectrum, the feasibility of further UHF-TV/land mobile sharing, and the benefits and requirements of HDTV to decide the reallocation question in Docket No. 85-172. Accordingly, if the Commission determines that a Petition for Inquiry into the impact of advanced television technologies on local television broadcasting is in the public interest, this determination should not delay the scheduled consideration and adoption of the Report and Order in Docket No. 85-172.

**WHEREFORE, THE PREMISES CONSIDERED,** the American Petroleum Institute respectfully submits the foregoing

Comments and urges the Commission to proceed in this matter  
in a manner consistent with the views expressed herein.

Respectfully submitted,

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Dated: June 10, 1987

CERTIFICATE OF SERVICE

I, Patt Meyer, a secretary in the law firm of Keller and Heckman, do hereby certify that a copy of the foregoing COMMENTS OF THE AMERICAN PETROLEUM INSTITUTE ON THE PETITION FOR NOTICE OF INQUIRY has been served this 10th day of June, 1987, by mailing U.S. First-Class, postage prepaid, to the following:

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